

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

FRALEG GROUP, INC.,

Case No.: 22-41410-jmm

Debtor.

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**AMENDED ORDER: (I) CONDITIONALLY APPROVING THE
AMENDED DISCLOSURE STATEMENT FILED BY THE
DEBTOR; (II) APPROVING SOLICITATION
PROCEDURES; AND (III) FIXING THE DATE FOR A HEARING ON
THE CONFIRMATION OF THE PLAN OF REORGANIZATION**

UPON the application dated September 16, 2022 ~~application~~ (JMM) [Dkt. No. 44] (the “Application”)¹ of Fraleg Group, Inc., the debtor and debtor-in-possession (the “Debtor”), by its counsel, the Law Offices of Avrum J. Rosen, PLLC, seeking the entry of an order (the “Order”), *inter alia*, scheduling a hearing to consider approving the Debtor’s disclosure statement [Dkt. No. 43] (the “Disclosure Statement”) with respect to the Debtor’s Chapter 11 plan [Dkt. No. 42] (the “Plan”); AND THE Court having entered an Order setting a hearing on the adequacy of the Disclosure Statement for November 16, 2022 [Dkt. No. 47]; and the Debtor ~~and CAF~~ having ~~agreed to a consensual~~ **filed an** Amended Plan **(the “Amended Plan”) [ECF No. 52]** and **Amended** Disclosure Statement **(the “Amended Disclosure Statement”) [ECF No. 53]** on **October 18, 2022** (JMM); and the Court having held a Status conference on October 12, 2022; and the Debtor having requested that an Amended Order be considered that would conditionally approve the **Amended** (JMM) Disclosure Statement and set a combined hearing on final approval of the **Amended** (JMM) Disclosure Statement and Confirmation of the Amended Plan; and after

¹ All capitalized terms not defined herein shall be ascribed the same meaning as set forth in the Application, the Disclosure Statement and/or the Plan.

due deliberation and sufficient cause having been shown for the relief requested in the Application (JMM), it is hereby

ORDERED, that Amended (JMM) Disclosure Statement is hereby conditionally approved as provided for in Sections 1125(b) and (f) of the Bankruptcy Code; and it is further

ORDERED, that the hearing to consider final approval of the adequacy of the Amended (JMM) Disclosure Statement and Confirmation of the Amended Plan shall be held before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800 on **November 16, 2022 at 11:00 a.m.**; and it is further

ORDERED, that the Amended Disclosure Statement may be amended or modified as discussed and agreed among counsel to the parties present at the Confirmation Hearing and amended provided that such changes and modifications do not materially change the Amended (JMM) Disclosure Statement, or materially affect the rights of any creditor and/or party in interest; and it is further

ORDERED, that for voting purposes and mailing of notices pursuant to this Order, the date of **entry of** (JMM) this Order shall be the Record Holder Date for the holders of claims in the Voting Classes; and it is further

ORDERED, that on or before October 19 20 (JMM), 2022, Debtor shall deposit or cause to be deposited in the United States Mail, postage prepaid, a sealed solicitation package (the “Solicitation Package”), to each holder of a claim in the Voting and Non- Voting Classes under the Amended (JMM) Plan, which solicitation package is hereby approved in all respects, which shall include:

- (a) notice of the confirmation hearing and related matters, substantially in the form of notice annexed hereto as Exhibit “A” (the “Confirmation Hearing Notice”), setting forth the dates established for: filing objections to the adequacy of the ~~Conditionally Approved~~ **conditionally approved Amended (JMM)** Disclosure Statement; filing objections to confirmation of the **Amended (JMM)** Plan, and the date and time of the Confirmation Hearing;
- (b) a copy of the Amended Disclosure Statement, as conditionally approved by the Court (with exhibits, including a copy of the Amended Plan);
- (c) a copy of this Order ~~Conditionally Approving the Disclosure Statement (JMM)~~;
- (d) a Ballot in the form annexed hereto as Exhibit “B”; and it is further

ORDERED, that in order to be counted as a vote to accept or reject the Amended Plan, a Ballot must be properly executed, ~~completed~~ **and received by Debtor’s counsel (JMM)** by no later than 5:00 p.m. (Eastern) on November 9, 2022 (the “Voting Deadline”). **Ballots may be delivered (JMM)** by regular mail, overnight mail, hand delivery, electronic mail, or facsimile to:

If by regular mail, overnight mail or hand delivery:

Law Offices of Avrum J. Rosen, PLLC
Attn: Nico Pizzo, Esq.
38 New Street
Huntington, New York 11743

If by electronic mail:

apizzo@ajrlawny.com

If by facsimile:

(631) 423-4536; and it is further

ORDERED, that Objections, if any, to the adequacy of the Amended Disclosure Statement or the Confirmation of the Amended Plan must be in writing and filed with the Bankruptcy Court by November 9, 2022 (the “Objection Deadline”) through the Court’s electronic filing system.

Instructions for electronically filing an objection can be found at www.nyeb.uscourts.gov. A copy of the objection must also be mailed, so as to be received by the Objection Deadline, to: (i) Law Offices of Avrum J. Rosen, PLLC, 38 New Street, Huntington, New York 11743, Attn: Avrum J. Rosen, Esq.; and (ii) Office of the United States Trustee, 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Nazar Khodorovsky, Esq.; and it is further

ORDERED, that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two days prior to the hearing. The phone number or video link for the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with eCourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may call or email Judge Mazer-Marino's courtroom deputy for instructions at (347) 394-1844, JMM_Hearings@nyeb.uscourts.gov; and it is further

ORDERED, that that the Debtor shall file an affidavit of service attesting to service of this Order **(without exhibits) and the Solicitation Package**, ~~the underlying Application and the Disclosure Statement and the Plan, and all exhibits annexed thereto, for relief (JMM)~~ by not later than October 21, 2022; and it is further

ORDERED, that the Debtor is authorized to take such steps and perform such acts as may be necessary or appropriate to implement and effectuate the terms of this Order.

ORDERED, that ~~The~~ the (JMM) Court may retain jurisdiction to hear and determine all matters arising from or relating to this Order.

Dated: October 19, 2022
Brooklyn, New York





Jil Mazer-Marino
United States Bankruptcy Judge